

**Town of Shrewsbury - Board of Selectmen
Richard D. Carney Municipal Office Building-Selectmen's Meeting Room
100 Maple Avenue
Monday, January 22, 2007 at 7:00 PM**

Minutes

Present:

Bruce Card, Maurice DePalo, Thomas Fiore, John Lebeaux, James McCaffrey, and Daniel Morgado, Town Manager. Mr. Lebeaux called the meeting to order at 7:03pm.

Preliminaries:

1. Approve bills, payrolls and warrants, #0757 in the amount of \$1,706,334.70, and #0760 in the amount of \$3,679,650.94. Motion made, seconded and unanimously approved.
2. Approve minutes of January 8, 2007. Motion made, seconded and unanimously approved.
3. Announcements – Mr. Lebeaux advised that the new Police Chief, James Hester, had been sworn in this morning along with five new police officers. In his remarks, the new Chief spoke of a fresh start and moving forward. The room was filled with the families of the officers being sworn in, police officers from other communities, members of the Shrewsbury Police Department and well wishers. Mr. Lebeaux added that with the addition of these new officers, the Shrewsbury Police Department is the largest that it has been in many years. The Board extends their congratulations to the new Chief and the new officers and wishes them well.
4. Town Manager's Report – Mr. Morgado advised that he would be filing the budget on Friday with the Finance Committee and Board of Selectmen. Budget Hearings are scheduled for Saturday, February 3rd and Saturday, February 10th. The Annual Legislative Workshop will take place this Saturday, January 27th at 9:30am in this room. The Board will meet prior to the Workshop at 9:00am.

Meetings:

5. 8:30pm - Chapter 40B Development, Judi Barrett.

Motion was made to recess at 7:49pm to wait for Ms. Barrett's arrival. Motion was seconded and unanimously voted. Roll call vote: Mr. DePalo, yes, Mr. Fiore, yes, Mr. Card, yes, Mr. McCaffrey, yes, and Mr. Lebeaux, yes. Motion was made, seconded and unanimously voted to reconvene into open session at 8:35pm. Roll call vote: Mr. Card, yes, Mr. McCaffrey, yes, Mr. DePalo, yes, Mr. Fiore, yes, and Mr. Lebeaux, yes.

Ms. Barrett, Eric Denoncourt, Jr. Engineer and Planner, and Jack Perreault, Town Engineer, were present. Mr. Lebeaux reviewed the Board's previous discussion regarding 40B and Ms. Barrett gave an overview of the current 40B situation with the state. Due to the Avalon project the Town has an exemption from further 40B development but that will expire in October. As the Town is short of the 10% affordable housing state requirement, Shrewsbury will be open to any developer with a 40B plan. In light of this, Ms. Barrett advised the Board of the Town's options. They can wait until a developer comes forward with a plan or they can be proactive and try to find someone that they can work with which would give them more control over the project. The Board discussed the pros and cons of both options. Mr. Lebeaux advised that as time is running out on the exemption, the Board should either take a vote tonight or at their next meeting on how they wish to proceed. Motion was made to authorize Mr. Morgado and the staff to prepare an outline for the Board's subsequent review and approval to put out a RFI asking developers to submit plans for a 40B development. Motion was seconded and unanimously approved.

Public Hearings:

6. 7:15pm – DCU Auto, 421 Boston Turnpike, Mo Bayou, Owner, Class II License for the sale of used automobiles. Hours of Operation: Monday-Friday 8:00am to 8:00pm, Saturday 8:00am to 6:00pm, Sunday 12:00 noon to 5:00pm. Mr. Lebeaux advised that a letter had been received from Atty. Kevin Byrne

representing the applicant advising that his client, Mohamed Bayou, was withdrawing his application for a Class II License for 421 Boston Turnpike. Motion was made, seconded and voted four in favor with Mr. Fiore abstaining to close the hearing. Motion was made, seconded and voted for in favor with one abstention to deny the application.

7. 7:30pm – Chumlee’s Restaurant, Inc., 50 Boston Turnpike, Change of Manager from Mu-Fong Tang to Van Roong W. Lin and transfer of stock for their All Alcoholic Beverages Pouring License. No other changes. Van Roong W. Lin and Min-Cheng Lin were present. Ms. Lin advised the Board that no other changes were planned other than those stated in the application. Hours of operation would remain at Sunday-Thursday 11:00am to 10:00pm and Friday-Saturday 11:00am to 1:00am. Mr. Lebeaux advised that all reports from department heads were favorable. Mr. Lebeaux opened the hearing to the public. Seeing none, motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve the application of Chumlee’s Restaurant, 50 Boston Turnpike, for change of manager from Mu-Fong Tang to Van Roon W. Lin and transfer of stock for their All Alcoholic Beverages Pouring License. Motion was seconded and unanimously approved.

Old Business:

8. Amend vote for Shrewsbury Development Corporation appointment. Mr. Lebeaux advised that at the last meeting the Board had voted to appoint David Donahue as a member of the Shrewsbury Development Corporation for a term of five years expiring on January 31, 2012. As Mr. Donahue is filling the vacancy created by the resignation of Michael Traynor whose term expired on January 31, 2006, his appointment should have been made for four years with a term expiring on January 31, 2011. Motion was made, seconded and unanimously voted to amend the vote appointing David Donahue to the Shrewsbury Development Corporation for a term of five years to a term of four years expiring on January 31, 2011.

New Business:

9. Review FY 2008 Department Budget. Mr. Lebeaux advised that the only increase in the Board of Selectmen’s budget from last year is the cost of the Massachusetts General Laws which the Board purchases for the Town. The budget as recommended by Mr. Morgado for FY 2008 is \$22,463.00, an increase of 1.58% over last year’s budget of \$22,113.00. Motion was made to endorse the FY2008 budget. Motion was seconded and unanimously approved.
10. Act on General Assent, Estate of Dorothy R. McGuiness. Mr. Morgado advised the Board that this is a probate matter as the Town has been willed an amount of money. A vote of the Board is required to authorize the Chairman and the Clerk to sign the assent. The documents will then be forwarded to Town Counsel Leader for review. If the funds are anything other than unrestricted, Mr. Morgado will come back to the Board. Motion was made to authorize the Board Chairman and the Clerk to sign the assent. Motion was seconded and unanimously voted.
11. Reappoint Pat Convery to the Shrewsbury Development Corp. for a term of five years expiring on January 31, 2012. Motion was made to reappoint Pat Convery to the Shrewsbury Development Corporation for a term of five years expiring January 31, 2012. Motion was seconded and unanimously voted.

Executive Session:

12. Collective bargaining, pending litigation and value of real property.

Communications:

13. Noted copy mailed: Letter from Town Engineer, Jack Perreault, re Preliminary Street Betterment Hearing Voting Analysis. The hearing was a result of a petition for the betterment of Pinedale Road. At that hearing, the necessary amount of frontage was not approved, therefore the betterment will not take place.
14. Noted copy mailed: ZBA Hearing Minutes, 12/12/06, Steve Richards, 58 Purinton Street.
15. Noted copy mailed: ZBA Hearing Minutes, 12/12/06, Omnipoint Communications, Inc., a Wholly Owned Subsidiary of T-Mobile USA, Inc., 249R Main Street.
16. Noted copy mailed: ZBA Hearing Minutes, 12/12/06, Mark Portuondo, 65-67 Lear Street.
17. Noted copy mailed: ZBA Hearing Minutes, 12/12/07, Tim Coughlin & Karen Phillips, 94 Sewall Street.

18. Noted copy mailed: Senator Kerry January Grant Update.
19. Noted copy mailed: Letter from Town of Kingston Board of Selectmen re statutory obligations of liquor licensees. The Kingston Selectmen would like the Board to adopt a policy whereby if a liquor license holder does not pay their meal taxes or their employees, their license is not renewed. After a discussion the Board noted that the Commonwealth of Massachusetts enforces meal tax collection and does not renew the licenses of those that have not paid. Board will take under advisement. Mr. Morgado will send a letter to the Kingston Board and ask for clarification.
20. Noted copy mailed: Memo from Mr. Morgado to Planning Board Chairman, Melvin Gordon, re Highland Hills Subdivision.
21. Noted copy mailed: SELCO Commission Meeting Minutes, 11/20/06.
22. Noted copy mailed: Notice/Invitation to Workshop on Parameters of Speech & Action Regarding Ballot Question Discussions. This workshop will take place on January 31st in the Presentation Room of the High School. Those interested in attending should contact the School Dept.
23. Noted copy mailed: 495/MetroWest Corridor Partnership suburban residential development program announcement. Program is for high density residential areas.
24. Noted copy mailed: City & Town, Vol. 20, No. 1, January 2007.
25. Noted copy mailed: Arc Update Jan-Feb. 07 – 495 MetroWest Corridor Partnership.
26. Noted copy mailed: E-mail from Thomas Rooney, 8 Birch Lane, re Shrewsbury's Jack Barry elected to College Hall of Fame. Jack Barry was an early 20th century baseball player that Mr. Rooney has worked to make sure is remembered.
27. Noted copy mailed: Letter from Johanna Musselman, 39 Stonybrook Lane, FY08 Budget. Mr. Lebeaux advised that Ms. Musselman thinks that the Board should map out budget scenarios now instead of waiting for more information. After a discussion, the Board reaffirmed their earlier opinion that it is premature to layout any scenario at this time when there are still so many unknowns. Mr. Lebeaux said that the Board would begin their discussions on the budget at the February 12th meeting after the Finance Committee hearings are over. They will make sure that the agenda for that evening is light in order to allow more time for discussion. Mr. DePalo added that any talk at this time is speculative.
28. Noted copy mailed: Corporate Environmental Advisors Notice of Availability - Response Action Outcome, Sunoco Station, 524 Boston Turnpike.
29. Noted copy mailed: Letter from Bill Yeomans, 51 Grafton Street to Chief Hester re speed on Grafton Street.
30. Noted copy mailed: Town Engineer Jack Perreault's response to Andrew Hickok re YMCA Entrance. The Board had asked Mr. Perreault to respond on this matter. A public auction was scheduled on this property which was cancelled. An auction will be advertised and rescheduled for another date. Hopefully the new owner will resolve the matter.
31. Noted copy mailed: COA Meeting Minutes, 10/18/06, 11/8/06, 12/13/06.
32. Noted copy mailed: Park & Cemetery Commission Meeting Minutes 8/14/06, 9/11/06, 11/13/06, & 12/20/06.
33. Noted copy mailed: Westborough Treatment Plant Board Meeting Minutes, 12/12/06.
34. Noted copy mailed: Request from UMass/Memorial Foundation to hold the 9th Annual Mass. AFL-CIO "Walk to Cure Cancer" on Shrewsbury roadways on Sunday, September 23, 2007 beginning at 12:00 noon. Motion was made, seconded and unanimously voted to approve the request.
35. Noted copy mailed: E-mail from Pat Orell, 31 Lakeside Drive, re Parking Question. Check with Chief Hester regarding parking directly across from a driveway.
36. Noted copy mailed: School Committee Meeting Agenda, 1/17/07.
37. Noted copy mailed: Notice of Project Change-Revised Sewer Location, Bartlett @ 495 Center Sewer Extension, Northborough & Marlborough, MA.
38. Noted copy mailed: Letter from Atty. Byrne re withdrawal of application of Mohamed Bayou for a Class II License at 421 Boston Turnpike.
39. Noted copy mailed: Loitherstein Environmental Response Action Outcome Statement re 32 Maple Avenue.
40. Noted copy mailed: Letter from Rep. Polito re legislative agenda for the 2007-2008 Legislative Session. Rep Polito is asking for the Town's budget requests by February. Gov. Patrick will file his budget around February 28th so the House 1 figure may not be known until March.
41. Noted copy mailed: Arc Issue Brief – Massachusetts Cultural Facilities Fund, January 2007.

42. Noted copy mailed: School Committee Meeting Minutes, 1/3/07.
43. Noted copy mailed: Letter from Sen. Augustus re FY 2008 Budget Requests. Sen. Augustus is making the same request as Rep. Polito. He would like to know the Town's requests no later than February 2nd.
44. Noted copy mailed: Tyree Corp. Public Notification re Nations Rent, Inc., 800 Hartford Turnpike.
45. Noted copy mailed: Information from Nutter, McClennen & Fish Attorneys at Law re services.
46. Noted copy mailed: Letter from Secretary of the Commonwealth Galvin re 2010 Federal Census. The Secretary would like Shrewsbury to designate a liaison to work with his office on the 2010 census. Check with Town Clerk to determine if she could assume this responsibility.

Motion was made, seconded, and unanimously voted to adjourn at 9:28pm. On a roll call vote Mr. Card, yes, Mr. DePalo, yes, Mr. Fiore, yes, Mr. McCaffrey, yes, and Mr. Lebeaux, yes.

Respectfully submitted,

Janice C. McCoy
Secretary